

**Security Council**

Distr.: General
22 December 2005

Original: English

**Letter dated 13 December 2005 from the Secretary-General
addressed to the President of the Security Council**

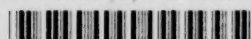
I have the honour to refer to the Counter-Terrorism Committee Executive Directorate, established pursuant to Security Council resolution 1535 (2004).

I wish to inform the Council that I have written to the Chairman of the Counter-Terrorism Committee in accordance with paragraph 7 of resolution 1535 (2004) and informed her that I stand ready to support the Committee in its decision to declare the Counter-Terrorism Committee Executive Directorate operational.

I wish further to inform the Council that it is my intention to review the reporting lines of the Counter-Terrorism Committee Executive Directorate, within the framework of resolution 1535 (2004), and stand ready to work with the Council in this review.

As you are aware, the mandate of the Executive Director will expire at the end of the year, in accordance with the proposal on the revitalization of the Counter-Terrorism Committee (S/2004/124, annex), in which it is stated that "the Executive Director will be appointed by the Secretary-General after consultation and subject to the approval of the Security Council, following articles 97 to 101 of the Charter and the United Nations staffing rules and regulations. The initial term of the Executive Director will expire on 31 December 2005. Any subsequent terms will be on a yearly basis". It is my recommendation that the mandate of Javier Rupérez be extended for one year.

(Signed) Kofi A. Annan





Security Council

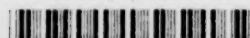
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Letter dated 21 December 2005 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 13 December 2005 (S/2005/817) concerning the Counter-Terrorism Committee Executive Directorate, established pursuant to Security Council resolution 1535 (2004), stating your intention to extend for a further year, until 31 December 2006, the term of office of the Executive Director of the Directorate, Mr. Javier Rupérez, has been brought to the attention of the members of the Council. They approve the extension that you recommend.

(Signed) Emyr Jones Parry
President of the Security Council





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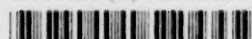
Letter dated 16 December 2005 from the Secretary-General to the President of the Security Council

I have the honour to refer to the United Nations Assistance Mission in Afghanistan (UNAMA).

Following the usual consultations, it is my intention to appoint Mr. Tom Koenigs (Germany) as my Special Representative for Afghanistan and Head of the Assistance Mission. Mr. Koenigs will replace Mr. Jean Arnault (France) who has served as my Special Representative for Afghanistan and Head of the Assistance Mission since February 2004.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Kofi A. Annan





Security Council

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Letter dated 21 December 2005 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 16 December 2005 (S/2005/819) concerning your intention to appoint Mr. Tom Koenigs (Germany) as your Special Representative for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan (UNAMA) has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(Signed) Emyr Jones Parry
President of the Security Council





Security Council

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21 December 2005

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Report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005) of 24 March 2005, in which the Council requested me to keep it regularly informed of the progress in implementing the Comprehensive Peace Agreement, respect for the ceasefire and the implementation of the mandate of the United Nations Mission in the Sudan (UNMIS). The report also provides an assessment of the overall situation in the country since my previous report to the Council, dated 12 September 2005 (S/2005/579).

II. Implementation of the major elements of the Comprehensive Peace Agreement

2. In the period since my last report, the implementation of the Comprehensive Peace Agreement gained some momentum despite the delays following the death of First Vice-President John Garang on 30 July 2005. After considerable dispute over the allocation of some ministerial portfolios, most notably that of energy and mining, the Government of National Unity was established on 20 September. Some Sudanese observers claimed that the refusal of the National Congress Party (NCP) to relinquish the energy and mining portfolio called into question its commitment to make unity attractive to the people of southern Sudan. Other observers fear that the commitment of some leaders of the Sudan People's Liberation Movement (SPLM) to unity may be shallow. However, the establishment of both the Government of National Unity and the Government of Southern Sudan, as well as the adoption of the Interim Constitution of Southern Sudan, gives grounds for optimism.

3. Members of the National Democratic Alliance have subsequently agreed to join the Government of National Unity and have been allocated a number of executive positions and seats in parliament. While other northern parties have decided to stay in opposition, they have stated their respect for the Comprehensive Peace Agreement and look forward to future elections and to a more inclusive political process. Some southern parties, other than SPLM, have also joined the Government of National Unity.

4. In another welcome development, the Government of Southern Sudan was established on 22 October as a caretaker government, pending the adoption of the



Interim Constitution of Southern Sudan, which was subsequently signed into law on 5 December. Ten southern Sudan state governors were also appointed during this period. Although the Government of Southern Sudan includes a number of small southern parties, the new cabinet, which includes many of the senior leaders of SPLM, has been criticized by some as lacking adequate representation of women and not being fully representative of the south. Some members of the Southern Sudan Legislative Assembly have alleged an ethnic imbalance in the Government of Southern Sudan.

5. After considerable delays, a number of key Comprehensive Peace Agreement commissions were established and staffed, and some of the specific legislation required to create the remaining commissions was adopted. The presidency issued decrees to establish the Assessment and Evaluation Commission, the National Petroleum Commission, the Fiscal and Financial Allocation and Monitoring Commission and the Technical Ad Hoc Border Committee. The Assessment and Evaluation Commission, chaired by Norway, has held its first two meetings, and UNMIS has initiated steps to work closely with it and the secretariat that will support it under a clear division of responsibility. The membership of the Ceasefire Political Commission was announced in November, following its establishment in August, and will contain representatives of NCP, SPLM, the Intergovernmental Authority on Development (IGAD), the IGAD Partners Forum and the United Nations as a full member.

6. At the same time, the presidency has yet to implement the decision of the Abyei Boundary Commission, defining the borders of the Abyei area. The delay has contributed to a tense situation in this vital area of the country. The situation on the ground was further complicated by a sudden upsurge of returns, and a military build-up by the Sudanese Armed Forces (SAF), the Sudan People's Liberation Army (SPLA) and the South Sudan Defence Force. With the start of the migration season, concern about possible clashes between the Missiriya and Dinka tribes is growing. To respond to these challenges, UNMIS has increased its presence in Abyei and completed the deployment of the United Nations protection force there. The Mission has encouraged the authorities to establish both the Executive Council and the Joint Integrated Unit in Abyei to normalize the situation and contribute to confidence-building measures in the area. UNMIS has convened meetings with the parties on the ground to discuss areas of mutual concern, including security and migratory routes. United Nations agencies have also started to plan humanitarian and developmental programmes in Abyei to help promote peaceful coexistence.

7. In the meantime, the problem of other armed groups remains of crucial importance in southern Sudan. Negotiations are ongoing between First Vice-President Salva Kiir and leaders of other armed groups on their participation in southern state governments. Some leaders of other armed groups have been offered government positions. Although the parties have registered a sizeable proportion of the other armed groups as having aligned with either SAF or SPLA, in many cases, this relationship is not firm enough to meet the Comprehensive Peace Agreement standard of "incorporation", and a considerable number of other armed groups remain completely outside the process. Those remaining "independent" are a source of growing concern, as the Comprehensive Peace Agreement deadline of 9 January 2006 for full integration approaches. Meanwhile, extortion schemes, illegal taxation, forced recruitment and violence attributed to other armed groups still continue in some areas.

8. During the reporting period, significant regional developments that have implications for the stability of the Sudan occurred. While there was an exchange of high-level visits between Eritrea and the Sudan signalling an improvement of relations, the threat of renewed conflict between Eritrea and Ethiopia has potentially serious implications for stability and security in the Sudan and the whole region. In addition, against a background of increased violence by the Lord's Resistance Army (LRA) in southern Sudan and neighbouring countries, Ugandan and Sudanese authorities, including SPLM, extended the protocol allowing the Ugandan People's Defence Forces to pursue LRA rebels within southern Sudan. I urge them to cooperate closely to address this pressing issue. In another worrisome development, a group of Chadian deserters took refuge in the Darfur region, straining relations between the Sudan and Chad and adding yet another destabilizing factor to the complex regional picture.

9. In response to these and other challenges, UNMIS has increased its collaboration with other United Nations missions in the area through substantive interaction with the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Office at Nairobi, the United Nations Mission in Ethiopia and Eritrea and the United Nations country team in Chad, to exchange information and coordinate responses to the various shared challenges. In addition, UNMIS discussed with the Ugandan and Sudanese Governments the modalities of its collaboration in the context of the renewed protocol and agreed to share information with them.

Darfur

10. As stated in my report on Darfur dated 23 December 2005 (S/2005/825), the seventh round of the peace talks led by the African Union (AU) opened in Abuja on 29 November in the presence of my Special Representative for the Sudan, Jan Pronk. While some progress was made at the sixth round of talks, considerable time was lost in efforts to help resolve the internal leadership struggle within the Sudan Liberation Movement (SLM).

11. Between the sixth and seventh rounds, the international community made several efforts to coordinate its actions and to mend the rift within SLM. My Special Representative convened a well-attended meeting of special envoys in Khartoum to discuss the SLM question, the conditions for peace and a coordinated international strategy for Darfur, especially for the post-Abuja period. UNMIS is supporting efforts aimed at ensuring a unified SLM position at the current round of talks. In a welcome development, SPLM is represented in the delegation of the Government of National Unity to the seventh round of Abuja talks on Darfur.

12. During the reporting period, UNMIS continued to provide logistical and substantive support to the Panel of Experts concerning the Sudan, established pursuant to Security Council resolution 1591 (2005).

III. Implementation of the mandate of the United Nations Mission in the Sudan

Political support and conflict reconciliation

13. Pursuant to paragraph 3 of resolution 1590 (2005), UNMIS continued to provide good offices and political support to assist the parties in implementing the Comprehensive Peace Agreement and resolve all ongoing conflicts in the Sudan. UNMIS continued to meet regularly with officials of the Government of National Unity, the Government of Southern Sudan and opposition groups in an effort to encourage wider participation in and support for the peace process.

14. In the east, UNMIS continued discussions with the Eastern Front leadership in both Asmara and Khartoum, and with the Sudanese Government, urging them to start talks at the earliest opportunity. UNMIS has made a number of suggestions on the modalities of such talks, which were received positively. The Eastern Front, after discussion with some individual donors, insisted on a capacity-building workshop to prepare the talks. This took place in Asmara and was facilitated by a British non-governmental organization (NGO). In mid-October, the Libyan Arab Jamahiriya offered to mediate talks between the Sudanese Government and the Eastern Front, an offer that has apparently been accepted by both parties. Since then, both parties have been silent about the way forward.

15. Progress in the eastern Sudan peace effort has been slow, due partially to the parties' lack of clarity on mediation and the venue for the talks. In the meantime, an increased militarization of youth has been noted in the eastern region ahead of the redeployment of SPLA from that area, due by 9 January 2006. I am also very concerned that the Eastern Front has continued to deny the United Nations access to the area of Hameshkoreib, on the border with Eritrea.

16. As part of its mandate, UNMIS continued to facilitate, support, and encourage local reconciliation initiatives in areas of conflict within the Sudan. The Government of National Unity itself has yet to begin a national process of reconciliation. While Government-sponsored local reconciliation initiatives in Darfur have taken place and produced some results, they have often been perceived by the armed movements as favouring the Arab population and have encountered resistance by those who feel that reconciliation is imposed in unjust terms. Despite this, reconciliation initiatives, if meeting conditions of fairness and transparency, can be an important vehicle for making peace more sustainable.

17. While violence and atrocities continue in Darfur, some grass-roots reconciliation initiatives are also taking place. In south-east Darfur, communities in El Daein have tried to reach out to each other, leading to the reopening of several markets and some improvement in the economic situation. Even in West Darfur, despite the upsurge in violence, potential bloodshed was averted when traditional leaders in the area quickly came together to investigate an incident in which nomads in El-Geneina allowed their livestock into cultivated fields where crops were yet to be harvested. The nomads were ordered to pay restitution.

18. In Abyei, UNMIS hosted the first meeting in many years between Dinka Ngok and Missiriya leaders to discuss the seasonal migration of Missiriya nomads through Dinka Ngok farming areas, and other issues that could lead to conflict between the

two tribes. The leaders agreed to revive the biannual tribal conferences that used to be held in the 1960s to solve problems between nomads and farmers.

19. In southern Sudan, earlier proposals for intercommunal reconciliation, following the August riots in Juba, met with some resistance. Local organizations which had previously supported the initiatives feared that reconciliation was premature and that resurrecting painful issues could lead to more problems. In Equatoria, a number of intertribal conflicts have erupted into alarming violence, increasing insecurity across southern Sudan. Dozens of civilians were killed in clashes between Zande and Bor Dinka in Yambio, Western Equatoria, at the beginning of November. Further clashes, this time between Dinka and Moru tribes, claimed the lives of 18 civilians in Mundri county, Western Equatoria, in mid-November. Fifteen civilians were killed in fighting between Moro and Mbororo tribes in the first week of December near Mundri.

20. LRA has perpetrated several vicious attacks on villages and, although exact figures are not available, is believed to have killed and injured dozens of civilians over the reporting period. Since the International Criminal Court indictment, LRA has also started targeting the United Nations and NGOs, hampering their activities in southern Sudan. UNMIS has coordinated its activities with others in the area to address the situation and carry on with its work. Mistrust continues between SAF and SPLA, and there is little actual coordination between them with regard to LRA.

Liaison with the African Union Mission in the Sudan

21. UNMIS continued to liaise and work closely with the African Union Mission in the Sudan (AMIS), through regular contacts with the AU Special Representative in the Sudan, through the AU presence in Darfur and through periodic meetings between the United Nations Assistance Cell and the AU leadership in Addis Ababa. The Assistance Cell also continued its assistance to AU in the areas of operational planning and management.

22. In addition to its role of assisting the AU Commission in the planning and management of AMIS, the Assistance Cell participated in the periodic African Union meeting between the Peace and Security Department and the African subregional mechanisms for conflict prevention, management and resolution. The Assistance Cell also attended the annual technical meeting between AU, the members of the Group of Eight and other partners, in Addis Ababa on 26 October.

23. UNMIS continued to strongly support AU during the sixth and seventh rounds of the Abuja talks by providing good offices, substantive expertise and logistical support for participants attending the talks.

Status-of-forces agreement

24. Following discussions at the technical level, the Government has agreed to language allowing UNMIS unrestricted freedom of movement, accepting continuing self-registration of UNMIS vehicles and granting a deferral from national service obligations to locally recruited Sudanese personnel while in United Nations employment. As the present report goes to print, the Government is reviewing the final text in preparation for signature by year's end. Separately, although the Government acknowledges that the model status-of-forces agreement permits UNMIS to clear goods free of charge, it is requiring the Mission to engage the

services of a commercial clearing agent, at significant expense to the United Nations. Furthermore, inordinate delays in the release of consignments of mission-essential United Nations-owned assets continue to hamper the operation.

25. Pursuant to paragraph 8 of resolution 1590 (2005), memorandums of understanding with Uganda and Kenya for the free, unhindered and expeditious movement to the Sudan of UNMIS personnel and equipment have yet to be finalized. I hope this can be achieved as soon as possible.

Military deployment and activities

26. The pace of the United Nations military deployment has increased but remains behind schedule, owing largely to delays in the force-generation process. As at 13 December, the strength of the military contingent stood at 4,291 personnel, or 40 per cent of an expected total of 9,880. At present, 154 staff officers, 468 military observers and 3,669 contributed troops are deployed from 51 countries. According to revised plans, the total number of military personnel deployed should exceed 7,000 by mid-February 2006. However, this is far below the foreseen requirement. Although deployment of United Nations military observers should be completed by the end of January 2006, the delayed mobilization of essential aviation, engineering and demining units by several troop-contributing countries raises serious concerns as to whether the monitors will have the logistical and other support that is so critical to their effectiveness across the vast area of the ceasefire zone. Moreover, delays in the deployment of enabling units have consequences that limit protection capacities.

27. As noted above, the security situation in the UNMIS area of responsibility during the past three months remained tense, particularly in Sector I (Juba). Phase IV was declared there after the deliberate killing of two United Nations contractors working with a demining company.

28. Operational sector composite groups have been deployed to Juba, Malakal, Kadugli, Ed Damazin, Abyei and Kassala. However, the delay in the deployment of some aviation units has negatively affected the military component's mandated activities. In particular, it remains critical to have an aviation unit in Sector I (Juba), as UNMIS lacks the air capability to respond to LRA activities in the area or to serious security incidents, such as the recent repeated outbreaks of Zande-Dinka fighting in Yambio. In the meantime, Bangladeshi, Indian and Pakistani contingent-owned equipment, which needs to be in place prior to full military deployment, is in transit in their respective sectors. Sector I contingent-owned equipment will be delivered in December via the Yei-Juba road, now cleared of mines.

29. In Sector II (Wau), the Kenyan force-protection contingent has started to deploy, a precondition for deployment of the Chinese contingent (transport company, engineer company and level II hospital). The Bangladeshi riverine unit has arrived in the Mission area and is being moved forward to Malakal. The Nepalese contingent at redeployment coordination headquarters, Kassala, has undergone its first rotation. The Rwandan protection company at force headquarters took over from the Standby High-Readiness Brigade on 12 December. Thirteen additional radio rooms have been made functional throughout the sectors to provide basic communication facilities. The Mission also acknowledges a \$1.7 million donation of equipment from the Government of Japan, including vehicles, tents and landmine detection devices, delivered in Mombassa in October.

30. Significant progress has been made in the preparation of UNMIS team sites. Sites at Juba, Malakal, Dilling, Abyei, and Kassala are fully functional, while Torit, Melut, Bentiu, Kadugli, Kauda, Ed Damazin, Maridi, Wau, Rumbek and Dindirou (many of which are already partially occupied by United Nations military observers) are expected to be completed during the course of December. The United States of America has assisted the Mission by allowing it to use the Malakal compound of the Civilian Protection Monitoring Team, whose mandate ended on 31 October 2005.

31. The Ceasefire Joint Military Committee has held 15 meetings under the chairmanship of the UNMIS Force Commander and continues to work effectively. It is developing as a forum for oversight, coordination and liaison between the parties, facilitating both parties' implementation of the ceasefire agreement. Most movements are now reported to the Committee seven days in advance. While considerable progress has been made in the collection of data to permit verification and monitoring, both parties have yet to provide complete data for all sectors. The Committee has succeeded in forging consensus on a number of disagreements between the parties — for example on the entry of SPLA troops dedicated to the formation of Joint Integrated Units in Abyei and Torit. UNMIS has also resolved a series of standoffs at the sector level, including the deployment of SPLA forces into the former garrison towns of Juba and Kadugli, and contributed to the restoration of security following tribal clashes in Yambio. The Ceasefire Joint Military Committee has registered one ceasefire violation by SPLM/A, which has fallen behind the Comprehensive Peace Agreement schedule for redeployment of troops from the east.

32. The Sudanese Armed Forces have nominated all of their troops for the Joint Integrated Units, but just over half are deployed so far. SPLA has nominated approximately 60 per cent of its troops for the Joint Integrated Units, but has inducted half of its total contribution. The parties should form the Joint Defence Board immediately in order to provide command and control for these forces through the establishment of suitable operational headquarters, as well as logistical support and pay for the troops. The funding of the Joint Integrated Units is a critical issue that needs to be tackled by the Government of National Unity through the establishment of the Joint Defence Board.

33. The parties have agreed to provide permits to United Nations military observers to enable them to enter all military establishments for monitoring and verification tasks, which should also help in the identification of child soldiers.

34. In the meantime, Area Joint Military Committee meetings have been held in all sectors and are reporting to the Ceasefire Joint Military Committee. As expected, mistrust and old grievances between the parties sometimes cause delays. As was the case in the early days of the Ceasefire Joint Military Committee, the parties have often disagreed, but working relationships on the ground have improved over time. Thus far, very few issues have been submitted by Area Joint Military Committees to the Ceasefire Joint Military Committee for resolution, but this may change as more United Nations military observers are deployed to monitor and verify compliance with the Comprehensive Peace Agreement.

35. However, the nomination of national monitors, who will form part of the Joint Military Teams, is experiencing delays. The parties should be aware that, under United Nations rules, the Organization cannot support these monitors from its budget. Both parties insist that they do not have the means to sustain their monitors

and have requested international assistance. The United Nations has proposed establishing a special trust fund to support the deployment of national monitors, but to date no Member State has responded to this appeal.

36. I very much welcome the fact that some donor countries are putting in place plans to support security-sector reform. The role of the International Military Advisory Team will be indispensable in working with the Joint Defence Board, in particular on the establishment of the Joint Integrated Units, which are so integral to the peace process. I appeal to the parties to the Comprehensive Peace Agreement to work tirelessly in reforming their security institutions and to key donors to follow through in this critical area.

Disarmament, demobilization and reintegration

37. Pursuant to paragraph 4 (a) (iv) of resolution 1590 (2005), UNMIS is supporting the interim disarmament, demobilization and reintegration authorities for the north and the south in a number of key assessments and surveys to facilitate the disarmament, demobilization and reintegration of special groups (17,000 children and 1,000 women associated with the armed forces and groups, and about 9,500 disabled ex-combatants). Disarmament of child combatants is planned to start in December 2005.

38. Progress is also being made on donor contributions to the interim disarmament, demobilization and reintegration programme. The Governments of Japan and the United Kingdom of Great Britain and Northern Ireland have contributed \$6.88 million and £2 million, respectively, to the implementation of the programme for the needs of special groups. However, serious challenges remain in the full implementation of the interim disarmament, demobilization and reintegration programme, as the establishment of a national coordinating council and disarmament, demobilization and reintegration commissions for northern and southern Sudan, and the formal signing of the interim disarmament, demobilization and reintegration programme by the Government of National Unity, have been delayed. The interim disarmament, demobilization and reintegration authorities, meanwhile, continue to function and build implementation capacity.

39. The Comprehensive Peace Agreement and Security Council resolution 1590 (2005) envisaged a strong supporting role for the United Nations in all aspects of the disarmament, demobilization and reintegration programme, and this support will be crucial during 2006 and 2007, as the parties plan their full disarmament, demobilization and reintegration programme. At the Ceasefire Joint Military Committee meetings held in October and November, SAF disclosed that about 43,000 members of other armed groups were allied to it and SPLA claimed its overall strength to be about 270,000. With the support of the parties, UNMIS will have to play an augmented role (from support to implementation, where needed) in the eventual downsizing and/or voluntary demobilization of these groups, even though the role of the Mission in these activities is not explicitly stated in the Comprehensive Peace Agreement. This augmented role will be required in the light of the limited capacities of the parties and the close link between the disarmament, demobilization and reintegration programme and the UNMIS mandate to support the peace process, and as a result of our experiences in planning with and supporting the parties in their current interim disarmament, demobilization and reintegration programme. However, it is expected that after verification of the declared figures by

the parties through the Ceasefire Joint Military Committee, about 85,000 combatants and 5,500 members of special groups (women and the disabled) will have to be disarmed, demobilized (provided reinsertion support) and reintegrated in 2006 and 2007. UNMIS will be required to deliver timely screening, registration, pre-discharge orientation, psychosocial counselling, transportation and reinsertion support. Given that the General Assembly, in its deliberations on the 2004-2005 UNMIS budget, had questions concerning the extent to which the Mission should provide support to the parties, it would be very helpful if the Security Council would consider explicitly endorsing such an augmented role to support the implementation of the full Sudanese disarmament, demobilization and reintegration plan, including addressing the disarmament, demobilization and reintegration of these other armed groups.

Police

40. The deployment rate of the United Nations police component has increased, and 215 police officers were deployed from 27 countries as at 13 December 2005, still significantly below the authorized number of 715. In Sector IV, team sites were opened in Dilling and Kauda. However, delays in deployment and a lack of facilities continue to be a major cause for concern in other areas, such as Kadugli, Abyei and Juba, where the lack of office and residential accommodation hamper the deployment of additional officers.

41. United Nations police in the field have continued to monitor, advise and report on the activities of the local police in southern Sudan, including criminal investigation and correctional reforms. Confidence-building activities have helped bring together local police, community leaders, students and others. A proposal to co-locate United Nations police in police stations to monitor and train local police was approved by the Police Commander of southern Sudan. In cooperation with the United Nations Development Programme (UNDP), United Nations police have organized 11 training courses for 448 Sudanese police officers that have included input on sexual and gender-based violence. The strategic plan for police development and training is now well advanced.

Public information

42. In Khartoum, UNMIS Radio is ready to go on the air, but the Government has not allocated a frequency and is seeking assurances that the content of all radio broadcasts will be linked to the UNMIS mandate. The Special Representative of the Secretary-General has given such assurances to the Minister of Communication, but there has been no further progress on this issue. Under a draft memorandum of understanding, UNMIS and the Sudan Radio and Television Commission will cooperate at the technical level, although the UNMIS offer to provide technical training has been rejected. The Sudan Radio and Television Commission has stated that UNMIS will not be able to broadcast independently in Darfur or areas in east Sudan, but may be allowed some airtime on Government transmitters. In the light of the overall mandate of UNMIS and the larger problem to be addressed in Darfur after the reaching of a peace agreement, such a limitation will severely restrict the Mission's broadcasting capability.

43. In southern Sudan, UNMIS is planning to start radio transmission from new premises in Juba following positive negotiations with the Government of Southern

Sudan Minister of Information and Juba Radio and TV. UNMIS will provide technical assistance to Juba Radio and TV in exchange for the use of the latter's facilities.

44. While UNMIS is mandated to assist the parties in promoting understanding of the peace process and the role of the Mission, attempts by UNMIS to obtain the support of the Joint Media Commission for a public campaign have not proved successful. However, the UNMIS newsletter and weekly media briefings provide important outlets to the media and the public. As requested in paragraph 4 (a) (v) of resolution 1590 (2005), UNMIS maintains regular contact with the AMIS public information office, offering support and contacts with the Sudanese media.

Economic recovery and reconstruction

45. Sudanese economic growth has been stable and the economy is expected to grow by about 8 per cent in 2005. The 12-month rate of inflation was 14 per cent in July but fell to 8 per cent in September. High world oil prices and capital inflows are strengthening the balance of payments and contributing to exchange-rate appreciation. During the first eight months of 2005, the Sudanese dinar appreciated by 17.5 per cent in real effective terms. Despite higher oil prices and additional revenue, the central government balance is projected to be in deficit by 0.6 per cent of gross domestic product (GDP) in 2005, mainly because of the emergence of a large subsidy on domestic fuels of about 2.9 per cent of GDP. The main priorities for the Sudan at the turn of 2005/2006 are (a) to agree on an all-Sudan poverty reduction strategy and (b) to ensure full transparency of the oil sector.

46. The two multidonor trust funds became operational in June 2005 with the first meetings of the interim oversight committees. The National Fund (focusing on northern Sudan and the Abyei, Nuba Mountains and Blue Nile areas) and the Southern Sudan Fund are administered by the World Bank and chaired by the Government of National Unity and the Government of Southern Sudan, respectively. At the Oslo donors' conference in April 2005, the multidonor trust funds received initial pledges of \$500 million through 2007, and by September 2005 the confirmed amount for disbursement in 2005 was \$182 million.

47. The multidonor trust funds are an important source of financing for the recovery and development elements of the 2005 and 2006 work plans. By October 2005, the trust funds had provided the initial go-ahead for a national programme in support of the Sudan census and for programmes in the areas of government capacity-building, community development, rule of law, health, education, water and sanitation, and infrastructure development (including transport). The programmes were developed in cooperation with the authorities at the national and local levels. Programmes include significant capacity-building elements as well as cost-sharing arrangements, reflecting the commitment of the Government of National Unity and the Government of Southern Sudan to fund two thirds of the costs of the recovery and development requirements as outlined in the reports of the Joint Assessment Mission presented to the Oslo conference.

Humanitarian assistance

48. Relief assistance reached larger numbers than in the previous reporting period, but there is great concern that the implementation of the Comprehensive Peace Agreement is being undermined in some areas by insecurity, with a direct impact on

civilians and humanitarian activities. Consequently, the humanitarian needs are expected to remain at least at current levels.

49. Cohesive contingency planning by humanitarian agencies enabled the delivery of humanitarian assistance without major gaps, particularly in Darfur, where attacks against clearly marked humanitarian convoys increased in September and continued throughout the reporting period.

50. In the south, the expanding access and mobility of humanitarian operations, which accompanied the end of the rainy season, has been offset partially by insecurity and by the deadly LRA attacks that, for the first time, directly targeted humanitarian workers. As a consequence, armed escorts are required for movement over a large part of Equatoria. Intertribal fighting in Western Equatoria led to the evacuation of United Nations and NGO staff in November and could stifle plans for refugee repatriation from the Central African Republic for the rest of 2005. The clashes have also resulted in the displacement of some 3,000 new refugees across the border to the Democratic Republic of the Congo.

51. In Khartoum, despite serious humanitarian needs for internally displaced persons and the poor, there has been no increase in aid disbursements and therefore no increase in the provision of humanitarian assistance during the reporting period.

Returns

52. In 2005 there have been over 500,000 spontaneous returns in the Sudan. As expected, returnee figures fell significantly around the beginning of the rainy season but began to rise again by September. The United Nations is producing and disseminating fact sheets in English, Juba-Arabic and standard Arabic to potential returnees to provide them with an accurate picture of the situation they will face upon return. The information campaign is using 17 other mediums to circulate information, including churches, theatre groups, local papers and several radio advertisements produced by UNMIS.

53. UNMIS has held consultations with the Government of National Unity and the Government of Southern Sudan to develop a comprehensive returns policy, resulting in an agreement to commence assisted returns in 2006. The parties also agreed on priority criteria for assisted returns based on the security situation of internally displaced persons in their places of origin. The United Nations workplan for 2006 projects the return of 680,000 internally displaced persons and refugees during that year, including 200,000 assisted returns. Of those, the Office of the United Nations High Commissioner for Refugees (UNHCR) will assist 140,000 refugees.

54. Several way stations are under construction. One completed way station in Kosti, on the Nile, is being used for returnees who are forced to wait for barges to depart for Malakal and Juba. In other locations, insecurity, land access and allocation, and procurement problems have caused delays. In Equatoria, a series of way stations to be constructed by UNHCR have all been placed on hold due to LRA activity in the area. Seven way stations, including at Kadugli, Kauda and Malakal, are expected to be completed before the end of the year.

Protection of civilians

55. Civilian monitoring and protection activities across the Sudan remain a high priority. As stated in my report on Darfur dated 23 December 2005, attacks against

civilians and repeated displacements of populations are reported daily. Banditry and extortion by armed militia, recent attacks against an AU patrol and humanitarian convoys, and threats against humanitarian workers have reduced access to the population. Efforts by both the Government and the armed groups to control armed elements are often insufficient or ineffective. The Government must make it a priority to guarantee continuous access for assistance and protection for humanitarian personnel. AU continues to play a key role in supporting the protection of the civilian population.

56. No large-scale forced relocations were noted during the reporting period, although there were reports of harassment (police raids, confiscations) in camps and other poor urban areas. The United Nations participated in talks in which the Government committed not to carry out further relocations. The discussions also focused on ensuring that replanning is conducted appropriately and lawfully, including through a joint technical group. UNMIS also continued to monitor the detention of the 136 detainees who were arrested in relation to the Soba Aradi riots on 18 May 2005.

57. In southern Sudan, the authorities have decided to start releasing children associated with SPLA. While the Sudanese Armed Forces have yet to undertake a survey of children in their ranks, they have reiterated their commitment not to recruit children. Other armed groups continue to incorporate children. For example, in Rubkona, about 200 people, many under 18 years old, were forcibly recruited into a militia group in September. Protection advisers are supporting the work of United Nations military observers and the Area Joint Military Committees to end this practice. It is important that the Government of National Unity adopt legislation criminalizing child recruitment and conduct without delay a survey of children at risk.

Human rights

58. The Comprehensive Peace Agreement and the Interim National Constitution constitute key instruments for reforming laws and institutions to improve the human rights situation in the Sudan. Nevertheless, national security personnel continued to assert arbitrary powers of arrest and detention. Across the country, they are reported to have physically abused detainees and continued to enjoy the benefits of immunity laws. A true improvement in the human rights situation will require bringing national security laws and institutions into line with international human rights standards and the Sudanese Constitution.

59. In Darfur, a spike in attacks by armed militia forces left civilians dead or injured, thousands displaced and homes destroyed. Violence against women and other internally displaced persons and villagers continued to go unabated, and the police continued to provide inadequate protection or failed to carry out sufficient investigations.

60. The Special Criminal Court on the Events in Darfur has handed down six verdicts since it was established on 7 June 2005. None of the cases related to the height of the conflict in 2003 and 2004, and none of the verdicts convicted high-level officials. The Joint Implementation Mechanism Subcommittee on Human Rights and Protection held three productive meetings during the reporting period to discuss the elimination of violence against women in Darfur, the Rules of Application for Criminal Circular 2, human rights violations in West Darfur, a

provisional presidential order on NGOs, and access to detention facilities. The Rules of Application for Criminal Circular 2 were signed by the Minister of Justice on 24 October 2005; they clarify the procedure for the collection of medical evidence and prohibit the harassment of providers of medical care for victims of sexual violence.

61. Human rights officers monitored the detention of individuals arrested in relation to the August 2005 riots in Khartoum following the death of First Vice-President Garang. These include 92 detainees convicted of various minor crimes and given sentences ranging from three to six months' imprisonment, some of whom described receiving beatings during arrest and in pre-trial detention and being denied basic fair-trial guarantees.

62. UNMIS continued its human rights training and capacity- and institution-building activities and provided advisory services to civil society, the Government, legal professionals and the judiciary. Two meetings were organized on the establishment of an independent human rights commission in Khartoum and Juba, and included members of the National Constitutional Review Commission, the National Assembly, the Southern Sudan Legislative Assembly, the Council of States and civil society. A workshop for members of the National Assembly was organized on the national budget and human rights. Four workshops were organized in Khartoum, Darfur, Juba, Abyei and Port Sudan to raise awareness of the Bill of Rights provisions of the Interim National Constitution. In addition, workshops were conducted on international human rights treaty obligations, access to justice, harmonization of national laws with international human rights standards and ensuring that the human rights of women are integrated into the ongoing law-reform process.

Rule of law

63. Working closely with donors, UNMIS and UNDP collaborated in providing support to the Commission Preparatory Team for the National Judicial Service Commission. Bilateral discussions and a round table have been convened with the Commission Preparatory Team, and a workshop was organized to help it conclude its report. The Government of National Unity has agreed to contribute \$5 million to an \$18 million capacity-building programme of the National Fund to promote the independence of the judiciary. The Southern Sudan Fund has similarly approved a \$70 million initial project proposal for rule-of-law capacity-building.

64. The UNDP/International Rescue Committee rule-of-law awareness-raising programme has now reached 7,000 legal and law-enforcement officials. UNDP rule-of-law Officers have been deployed in eastern Sudan, while in Darfur the programme is now also reaching out to non-State armed groups beyond the state capitals and Government-controlled territories. In addition, UNDP has established a number of justice and confidence centres and legal networks to mobilize local lawyers and improve access to justice.

65. The draft laws and mandates of the remaining key commissions (on human rights, civil service and national land) are being prepared. An ad hoc joint committee started discussing the administration of the national capital but failed to agree on the status of Khartoum and whether it should be considered one of the northern states or have a special status as the national capital.

Mine action

66. To enable the return of internally displaced persons and refugees at the end of the rainy season, mine-action teams resumed operations at full strength in the Nuba Mountains, Juba, Rumbek, Yei, Kapoeta, Malakal, Ed Damazin and Darfur. Demining has taken place on 373 kilometres of road, and 1.7 million square metres of suspected dangerous areas have been cleared. The destruction of 522 anti-tank mines, approximately 175,000 pieces of unexploded ordnance, and just under 700 anti-personnel mines has been carried out. The deteriorating security situation in southern Sudan, however, hampered demining activities, which were suspended after the killing of two demining contractors on the Juba-Nimule road. Prior to this suspension, the Juba-Yei road had been verified and cleared to international standards, allowing for emergency Mission deployment and aid delivery. Work continues to clear the road for routine United Nations traffic, which requires an expanded width of safe passage.

67. The United Nations Mine Action Office conducted pre-deployment training of deminers in Egypt, Kenya, Pakistan, Bangladesh and Cambodia. Kenyan and Egyptian companies have been accredited and are ready for deployment. Additional training is scheduled for Bangladesh, Cambodia and Pakistan. Once training is completed, it is anticipated the companies may be deployed.

68. The demining work itself is greatly hampered by a lack of funds. In addition to addressing the immediate needs of the Mission to deploy through route and area clearance, the mine-action component requires improved data collection in order to prioritize high- and medium-impact areas for clearance. Funds are also required for capacity-building activities. The aim of developing local capacity to deal with the problem is to provide increased assets in the medium term and ensure a sustainable capacity in the future.

Gender

69. With respect to paragraphs 14 and 15 of resolution 1590 (2005) and resolution 1325 (2000) on women, peace and security, UNMIS continued supporting gender mainstreaming both within the Mission and with the Government. The Gender Unit also explains the zero-tolerance policy regarding sexual exploitation and abuse to newly arrived staff. A workshop was held in Khartoum on engendering the peace process, during which a gender-mainstreaming strategy was formulated, which highlighted UNMIS priority areas of actions on gender-based violence in Darfur.

70. During the reporting period, the Special Adviser on Gender Issues and Advancement of Women, during a visit to the Sudan, assessed the situation in Darfur and advocated ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

HIV/AIDS

71. The HIV/AIDS Unit conducted induction training for 200 Bangladeshi troops and military observers in Sector I. Regional HIV/AIDS committee activities in Kassala, eastern Sudan and Nyala, Darfur, were intensified. The regional HIV/AIDS committee members in Kassala held workshops in five secondary schools and military camps for 2,600 students and teachers and 450 members of SAF. The Unit also contributed to the induction programme for 435 new staff. The Unit

participated in two community sensitization workshops in Wau and Kassala for 750 participants and provided technical guidance to a workshop for Sudanese women. The Unit also coordinated training for change agents mainstreaming HIV/AIDS in the disarmament, demobilization and reintegration programme.

Conduct and discipline unit

72. The conduct and discipline team is in the process of being established, with the head of unit currently under recruitment. In the interim, the Office of the Chief of Staff performs focal-point functions for conduct and discipline. The Mission investigates category II misconduct cases, while the regional Office of Internal Oversight Services investigation unit provides temporary support for the investigation of all category I misconduct cases, including sexual exploitation and abuse. The Office of Internal Oversight Services has recently placed one resident investigator with UNMIS; four other of its investigators are expected to join soon.

Support from donors

73. The 2005 workplan for the Sudan was revised in October, and total funding requirements now amount to \$1.98 billion. With less than a month remaining, it is funded at only 52.5 per cent. Regionally, assistance programmes in Darfur have received 63 per cent, southern Sudan 45 per cent and eastern Sudan and the transitional areas 22 per cent of required funding. While there are shortfalls in all sectors, the following have received less than 20 per cent of the required funding: rule of law and governance (13 per cent), protection (14 per cent), shelter and non-food items (16 per cent), and cross-sector support for return and reintegration (19 per cent). With the start of the dry season, tens of thousands of refugees and internally displaced persons have started returning to some of the most impoverished areas in Africa. They and their host communities need urgent assistance, as do the millions of Sudanese who remain displaced.

74. At the Oslo conference \$4.5 billion was pledged for the first three years following the signing of the Comprehensive Peace Agreement for humanitarian, recovery and development activities and support for AMIS. The combined total of all donor resources available for the Sudan in 2005 amounts to more than \$1.4 billion, which corresponds roughly to one third of the total amount pledged in Oslo. However, as humanitarian needs still remain very high, it is extremely important that donors remain fully engaged in the Sudan in 2006 and that the requirements of the 2006 workplan are met in a timely manner. They include \$1.5 billion for humanitarian priorities and \$210 million for recovery programming.

Civilian staffing

75. As at 21 November 2005, the Mission had on board 508 international staff, 912 national staff and 65 United Nations Volunteers (UNVs). The recruitment of 179 additional civilian staff is under way (69 international, 85 national and 25 UNVs).

Financial aspects

76. The General Assembly, by its resolution 60/122 of 8 December 2005, appropriated \$969,468,800, equivalent to \$80,789,100 per month, for UNMIS for the period from 1 July 2005 to 30 June 2006. Should the Security Council decide to

extend the mandate of UNMIS beyond 24 March 2006, the cost of maintaining the Mission until 30 June 2006 would be limited to the amounts approved by the General Assembly.

77. As at 30 November 2005, unpaid assessed contributions to the special account for UNMIS amounted to \$192.6 million out of a total of \$595.5 million authorized by the General Assembly in its resolution 59/292. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to \$2,761.6 million.

IV. Observations

78. While the peace process is on track, serious concerns about implementation of the Comprehensive Peace Agreement remain. Relations between NCP and SPLM are developing, but distrust persists on both sides. Relations may come under further strain as a set of contentious issues, the details of which were not always agreed to in Naivasha, will need to be resolved. The parties must know that there is no alternative to the Comprehensive Peace Agreement framework, which needs to be implemented earnestly and in full. One of the most contentious issues concerns the implementation of the Abyei Boundary Commission decision and the setting up of the Abyei area Executive Council. Others include deep-rooted social issues pertaining to the administration of the national capital and the determination and allocation of oil revenues. In addition, the Joint Defence Board should be established as soon as possible. These and other issues need to be addressed in line with the Comprehensive Peace Agreement and its priority of making unity attractive to the people of southern Sudan. Specific steps in this direction are indispensable.

79. Every effort will continue to be made to ensure the swift completion of deployment of the full complement of UNMIS military and civilian personnel. Lags in deployment are hampering the Mission's ability to carry out its mandate effectively in key areas of the ceasefire zone.

80. In southern Sudan, while capacity-building must be a paramount issue, security has also become a matter of growing concern. I urge the Government of National Unity and the Government of Southern Sudan to take appropriate measures to tackle the insecurity there, and to protect the civilian population and United Nations and NGO staff in areas where LRA and other armed groups operate. At the same time, the newly established Government of Southern Sudan should encourage continuing reconciliation throughout the region.

81. In Darfur, security on the ground must urgently improve, and the search for a durable political peace, including a permanent ceasefire, must be intensified. The seventh round of negotiations in Abuja should be pursued vigorously until an agreement is reached. Such an agreement must be followed by early confidence-building measures and a broader, fully inclusive dialogue between all the parties in Darfur to chart an agreed, longer-term strategy for sustainable peace and development in the region. The Government and the rebel movements must work towards an early settlement and must cooperate fully with the African Union Mission in the Sudan. Those who continue impeding the peaceful resolution of the conflict should know that they will be held accountable. Moreover, humanitarian relief must be increased and must be delivered unimpeded. The Government should

be mindful that this is a responsibility that it shares with the international community.

82. In eastern Sudan, the withdrawal of SPLA from the Hameshkoreib region could create a power vacuum. Given the current tensions between Eritrea and Ethiopia, humanitarian assistance provided by NGOs to this region through Eritrea might become difficult. I therefore urge the Eastern Front leaders to facilitate a security and humanitarian assessment of the area so as to allow humanitarian access from within the Sudan. Most importantly, direct talks on the situation in the east must begin and produce a political agreement without further procrastination. Given the fluidity of the situation on the ground and the uncertainties noted above, the United Nations will need to maintain a multifunctional presence, including United Nations military observers and force-protection elements, in eastern Sudan beyond the Comprehensive Peace Agreement deadline of 9 January 2006 for redeployment of SPLA.

83. The way ahead in the Sudan presents a number of difficult obstacles. While the overall economic outlook for the Sudan has improved somewhat, insecurity in southern Sudan and Darfur threatens to undermine the international effort to help move those areas from relief to recovery. Equally, a political agreement continues to elude the parties to the Darfur and eastern Sudan conflicts. It needs to be reiterated that all current peace processes are interlinked and mutually reinforce each other.

84. In the final analysis, peace in the Sudan is indivisible and cannot flourish in one part of the country if it is fledgling in another. The parties to the Abuja peace talks must seize this occasion to negotiate earnestly and in good faith. The Eastern Front must similarly negotiate with the Government of National Unity a political solution to the conflict in its region without further delay. SPLM and NCP must continue to work together and must strive for inclusiveness and transparency, so that a genuine and effective Government of National Unity provides national leadership and deals effectively with the numerous potential spoilers that have the capacity to derail the quest for peace. In its turn, the international community is expected to honour its pledges and commitments, while key partners must work together to bring maximum political leverage and practical and financial support to bear on all aspects of the peace processes. While all donors must play their part and contribute to the common objective of helping the people of the Sudan secure the peace that they so much deserve, the ultimate responsibility for movement forward rests with the Sudanese parties and their leaders, who are responsible to their populations for the faithful implementation of their stated commitments.



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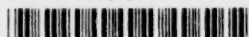
Original: English

**Letter dated 19 December 2005 from the Chairman of
the Security Council Committee established pursuant
to resolution 1373 (2001) concerning counter-terrorism
addressed to the President of the Security Council**

The Counter-Terrorism Committee has received the attached third report from the United Republic of Tanzania submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ellen Margrethe Løj
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Note verbale dated 15 December 2005 from the Permanent Mission of the United Republic of Tanzania to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the United Republic of Tanzania to the United Nations presents its compliments to the Chairman and has the honour to transmit herewith, for consideration, the response of the United Republic of Tanzania to the latter's letter of 11 October 2005 (see enclosure).

Enclosure**Response to the follow-up questions on the United Republic of Tanzania's second report (S/2005/192)****(A) Item 1.2 Effectiveness in the protection of the financial system**

1.2.4 The Government in 2001 established a National Multidisciplinary Committee on Money Laundering which is responsible for coordinating the activities of different stakeholders in the war against money laundering and countering Financing of Terrorism. Also it has the function to assess the effectiveness of the policies and measures to combat money laundering and countering of Financing of Terrorism and advise the Government on legislative, regulatory and policy reforms in respect of the same. So far in collaboration with the US Treasury two sensitization seminars on Anti Money Laundering and countering Financing of Terrorism with emphasis to FATF 40 Recommendation plus 9 on CFT have been conducted to the members of Parliament of the United Republic and the Representatives of the Revolutionary Council of Zanzibar. It has also sensitized members of Bankers Association of Tanzania, Insurance Association of Tanzania and Senior Government officials on the same. It has also drafted a National Strategy on AML/CFT and has been involved in reviewing the law on the Proceeds of Crime, Act No. 25 of 1991 and came up with a comprehensive Anti Money Laundering Bill. The Committee meets once in a month and the Government is budgeting its activities from the consolidated fund.

(B) Item 1.3 Effectiveness of Counter-terrorism Machinery

1.3.1 The mechanisms through which the United Republic of Tanzania is provided with early warning of possible terrorist activities to other states is as follows:

- Through Southern Africa Regional Police Chiefs Cooperation Organization (SARPCO). This is an Interpol Regional Police Organization composed of twelve countries from Southern Africa namely, Tanzania, South Africa, Angola, Mozambique, Namibia, Malawi, Zambia, Botswana, Zimbabwe, Mauritius, Lesotho and Swaziland. The main objective of this organ is to fight cross

border crimes including terrorism. It is through the implementation of this objective that intelligence relating to different crimes including terrorism is shared through Interpol Sub-Regional Bureau in Harare, which is the Secretariat of this organ.

- Through Eastern African Regional Police Chiefs Cooperation (EARPCCO) it is an Interpol Police Organization, which is composed of nine countries from Eastern Africa, namely Tanzania, Kenya, Uganda, Rwanda, Burundi, Ethiopia, Eritrea, Sudan and Seychelles.

The main objective of this organ is to fight cross border crimes including terrorism. It is through the implementation of this objective that intelligence relating to different crimes including terrorism is shared through the Sub-Regional Bureau in Nairobi, which is the Secretariat of this organ.

- Through bilateral agreements between neighboring counties where exchange of information relating to terrorist activities is done.
- 1.3.2 In the meantime, the law enforcement agencies through specialized units do share information on countering terrorist attacks including countering financing of terrorism. The National Multidisciplinary Committee on Anti Money Laundering have sensitized members of Bankers and Insurance Associations respectively to report suspicious transactions on CFT to the Anti Terrorism Unit direct or via the Central Bank. There is a bill in the pipeline to establish a Financial Intelligence Unit which will be responsible for receiving, analyzing and disseminating information on CFT to the Police Anti Terrorist Unit.
- 1.3.3 The Police Anti Terrorism Unit (ATU) is part of the Tanzania Police Force under the Directorate of Criminal Investigation Department. The Anti Terrorism Unit is headed by an in-charge who is directly responsible to the Director of Criminal Investigation. Likewise, the Interpol section is under the Directorate of Criminal Investigation. It is through this structure that these two units are closely related. Since the members of this unit are Police Officers, they draw their powers to perform their duties from relevant laws as is the case with normal Police Officers.

The function of this unit includes intelligence gathering and investigation of terrorist organizations and/or groups and individuals who are planning to carry out terrorist activities in our country and disrupt them.

- 1.3.4 The Police Anti Terrorism Unit applies investigative techniques such as search, interrogation and interview, manual surveillance and controlled deliveries. But we do not conduct electronic surveillance because we do not have the equipment. Also for other techniques we do not have enough equipment for the organization such as vehicles, motorcycles, computers for database, interception equipment, bullet-proof jackets and bomb blast suits. On the issue of training, only a few police officers have been provided with training.

(C) **Item 1.4 Effectiveness of Customs, Refugees, Immigration and Border Control**

- 1.4.2 The State Security Personnel and Police Officers at the entry points are normally furnished with full particulars and if possible photographs of the wanted terrorists available at Interpol database and from other sources to check against possible penetration of known terrorists through our entry points.
- 1.4.3 In the meantime, we don't have a law to control cash couriers. However, we are sensitizing the public to report suspicious cash couriers to the Police. However, in the Money Laundering Bill it will be a predicate offence which involves reporting of a suspicious transaction to the FIF. Even precious stone dealers will have an obligation to report any suspicious transaction. For licensing, they are being regulated by the Ministry of Energy and Minerals.
- 1.4.4 Police, State Security and Customs officers at Border Posts are responsible for monitoring the cross-border movement of arms, explosives, weapons of mass destruction and other hazardous materials. Legally no one is allowed to carry these items/materials except with valid license from proper authorities. And in case of the movement of large quantities of these items/materials, it is mandatory that the police should conduct escorts.

(D) Item 1.6 – Effectiveness of controls preventing access to weapons by terrorists

- 1.6.1 As a matter of controlling illicit proliferation of firearms, explosives and ammunition, it is necessary to file, register or check goods, declaration and supporting documentation concerning firearms prior to their import, export and transit.

Legally, the import, export and transit of these materials is controlled by the Tanzania Police Force through the Arms and Ammunition Act, 1991, and the Armourment Control Act, 1991.

The United Republic of Tanzania has implemented appropriate security measures concerning the import, export or transit of firearms; it conducts regular and surprise checks on their temporary storage, warehousing and transit. This operation is conducted by Police Officers of the rank of Gazetted Officers and above.

S/No.	Committee query	Suggested response
1.2.1	The Committee urges URT to expedite the adoption of bills related to money laundering controls and financing of terrorism and would appreciate receiving copies, particularly of the money-laundering bill.	The draft bill relating to money laundering control is at an advanced stage of enacting it into law. The same is expected to be enacted into law by 2006. A copy of the law will be submitted to the Committee as soon as it is enacted.
1.2.6	The Committee wants to know which professions other than lawyers and brokers would be required to report suspicious transactions to relevant authorities and whether the reporting obligations would extend to transactions suspected of being related to terrorism.	In coming up with a robust anti-money laundering regime Tanzania will implement the FATF 40 + 9 recommendations. As such, lawyers, notaries, other independent legal professionals and accountants, casinos, dealers in precious metals and dealers in precious stones will be subjected to AML/CFT requirements.
1.2.7	The Committee would like to receive an outline of the features of the proposed Financial Intelligence Unit.	In accordance with the draft Money Laundering Control Bill, the FIU will be established under the Ministry of Finance as an Extra Ministerial Department. It will be headed by a Commissioner who shall be appointed by the President of the United Republic of Tanzania. The Ministry of Finance is working on the organization structure of the FIU so that it can become operational after the AML bill is enacted into law.
1.2.8	Given that the URT has no laws and procedures for regulating informal remittance systems and since these systems have shown themselves vulnerable to misuse for purposes of money laundering and terrorist financing, what steps does URT intend to take in order to regulate currency or security transfer services which operate through such systems?	The country is currently preparing its National AML/CFT strategy and consultations with all stakeholders will be undertaken and robust measures for regulating informal remittance systems are expected to be proposed and thereafter implemented to eliminate vulnerability and misuse of such systems.

1.2.9	Effective implementation of paragraph 1 (d) of the resolution requires to have in one place an appropriate monitoring mechanism-involving, for example registration and auditing in order to ensure that funds collected by non-profit organizations that have or claim to have charitable, religious, social or cultural goals are not diverted for other than their stated purposes, particularly for the financing of terrorism. The Committee would welcome information on such mechanisms that exist or is planned in the URT.	Relevant authorities where such organizations are registered, undertake vetting of non-profit organizations and other Non-Government Organizations. No Organization can be allowed to operate in Tanzania without undergoing thorough vetting which would entail knowing the purpose of such entity, office bearers, sources of funds, activities they will engage in and subsequent follow up of their activities.
1.4.5	What measures are in place to monitor the cross-border movement of cash and other monetary instruments, precious stones and metals, and their couriers?	Within the framework of the draft bill on Anti-Money Laundering Control and AML/CFT strategy, Tanzania will implement FATF recommendations relating to cash couriers with the view to detecting and preventing cross-border transportation of cash by terrorists and other criminals in accordance with international best practices based on special recommendation IX.



Security Council

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Original, English

Letter dated 19 December 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached third report from Palau submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ellen Margrethe Løj
Chairman

Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Annex

Letter dated 9 December 2005 from the Permanent Representative of Palau to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Representative of Palau to the United Nations presents his compliments to the Committee and has the honour to submit Palau's third report on Security Council resolution 1373 (2001) (see enclosure).

(Signed) **Stuart Beck**
Ambassador
Permanent Representative

Enclosure*

Third report of Palau on resolution 1373 (2001)

Subparagraph 1.1:

The Committee would be grateful to know the status of the enactment of the [anti-terrorism] legislation and receive a copy of said legislation.

The anti-terrorism legislation has been introduced in the Palau Congress, and is currently pending in committee. Please note that that Palau has previously submitted a copy of the legislation; however, for your convenience it is attached to this report as Annex I.

Subparagraph 1.2:

The Committee would appreciate further information from Palau concerning the legislation creating the financial reporting obligation. In particular the Committee would be grateful for further information, as to what criteria are used to decide if transactions are to be considered suspicious.

The legislation provides that those activities that "reasonably appear to be derived from" the perpetration of money laundering activities should be reported.

The Committee would like to know what the penalties are for non-compliance with the requirement to report suspicious financial transactions.

The Money Laundering and Proceeds of Crime Act of 2001 provides that an individual found guilty of failing to report a suspicious financial transaction can be punished by up to two years of imprisonment or a fine not to exceed US \$10,000.00.

The Committee would like to know whether non-financial institutions and other intermediaries are also subject to the same reporting requirements.

Yes, Section 19 of the Money Laundering and Proceeds of Crime Act of 2001 provides that any person who professionally advises on operations involving deposits, exchange operations, investments conversions or any other movement of capital is required to report to the Financial Intelligence Unit (FIU) any suspicious transactions in excess of US \$10,000.00 and appearing to have an unlawful purpose.

Subparagraph 1.3:

The Committee would appreciate receiving an explanation of the applicable laws, regulations and practices in Palau for identifying persons or entities who a) maintain bank accounts, or on whose behalf bank accounts are maintained.

* Attachments are on file with the Secretariat and are available for consultation.

The provisions of the Money Laundering and Proceeds of Crime Act of 2001 require credit and financial institutions to verify and identify the identity and address of their customer prior to opening of accounts. Such identification can be accomplished through the presentation of an official identification document that is unexpired and bears a photograph or a reasonable alternative. In cases where a natural or legal person is authorized to enter into transactions on behalf of a third party, credit or financial institutions are required to ascertain the identity of both the person and the beneficial owner. Credit or financial institutions are allowed to use any legal and reasonable means to ascertain the identity of the beneficial owner. Legislation requires that identifying information must be recorded by the credit and financial institutions and be kept at the institution for five years after the account has been closed.

Subparagraph 1.4:

The Committee would be pleased to receive a progress report on the enactment of the proposed amendments to the Money Laundering Act regulating alternative money remittance systems.

The proposed amendments to the Money Laundering Act are currently being considered by the Palauan legislature.

Subparagraph 1.5:

Once operating, are the activities of organizations that have charitable, religious or cultural goals regulated in any way? If so, the Committee would appreciate receiving details on the monitoring and regulating of charitable, religious and non-profit organizations.

If such organizations are incorporated they are obligated to file an annual report which requires general financial information as well as information about the officers of these entities.

Subparagraph 1.6:

The Committee would appreciate learning whether Palau's Financial Intelligence Unit (FIU) has sufficient resources (human, financial and technical) to carry out its mandate. Please provide appropriate data.

No, as of now the FIU remains underfunded and undermanned to complete its mandate. While the Government of Palau is committed to making the FIU operational and effective it remains in need of technical assistance to make this possible.

Subparagraph 1.7:

What provisions exist in Palau to deny safe haven to those who finance, plan, support or commit terrorists acts, as required by sub-paragraph 2(c) of UNSC resolution 1373 (2001)? Are there any legal provisions for excluding or expelling terrorists, or those related to them?

The proposed anti-terrorism legislation would bar terrorists from entering Palau.

Subparagraph 1.8:

The Committee would be grateful to know how Palau ensures that there is adequate cooperation and information sharing among the various government agencies that may be involved in investigating the financing of terrorism, as well as with other competent authorities.

To provide for adequate cooperation and information sharing among the various government agencies that may be involved in investigating the financing of terrorism the President of Palau has issued an Executive Order that establishes the Money Laundering Working Group ("Working Group"). The Working Group is designed to coordinate Palau's fight against money laundering and the financing of terrorism and provides for monthly meetings of delegates from the relevant agencies.

Could Palau please provide the Committee with an outline of its policies if any, for sharing relevant information with other States, concerning suspicious transactions or other matters pertaining to the financing of terrorism?

The Money Laundering and Proceeds of Crime Act of 2001 provides that, subject to a reciprocal agreement and upon receiving a request for information or transmission from a counterpart foreign financial intelligence, the FIU may comply with that request within the scope of the agreement so long as such compliance would not violate Palau law. Additionally, subject to a reciprocal agreement, the FIU shall exchange information with counterparts in foreign countries responsible for receiving and processing reports of money laundering provided that such exchanges are governed by confidentiality requirement substantially similar to those required in Palau.

Subparagraph 1.9:

What measures has Palau taken to regulate and monitor possession of these arms?

In an effort to regulate the possession of firearms and ammunition the Government of Palau has criminalized the possession of such weapons. The crime is considered one of the most serious crimes in Palau and, if convicted, carries a mandatory minimum sentence of 15 years in jail. Additionally, possession of ammunition is an additional crime, which carries a mandatory minimum sentence of 5 years in jail.

Subparagraph 1.10:

Section 12(d) of the counterterrorism legislation requires that notice and relevant information be given to any country where the government of Palau has reason to believe that a terrorist offence has or will be committed. What mechanisms does Palau have in place or plan to put in place to be able to gather and disseminate this type of information?

The Proposed counter-terrorism legislation authorizes and encourages relevant Palau officials to share and disclose intelligence information relating to terrorism and terrorist organizations and to provide early warning of such matters to the competent law enforcement authorities to any state that is a member of the United Nations, the Pacific Islands Forum, or that is a signatory to an international terrorism convention in respect to which Palau is also a party.

Subparagraph 1.11:

The Committee would appreciate receiving copies or detailed outlines of the following acts: a) The Mutual Assistance Act, b) the Foreign Evidence Act, c) Transnational Extradition Act, d) any other bilateral/multilateral extradition treaties to which Palau is a party.

For a copy of the Mutual Assistance Act please see Annex II, for a copy of the Foreign Evidence Act please see Annex III, and for a copy of the Transnational Extradition Act please see Annex IV. At present, the Republic of Palau is a party to an extradition agreement with the United States.

Subparagraph 1.12:

The Committee would be pleased to receive a progress report on Palau's accessions to the International Convention on the Protection of Nuclear Material.

Palau has not yet acceded to the International Convention on the Protection of Nuclear Material; however, it hopes to do so in the future.

**Security Council**

Distr.: General
29 December 2005

Original: English

Report of the Secretary-General concerning the credentials of the representatives and deputy and alternate representatives of the members of the Security Council elected for the period 2006-2007

1. At its 29th plenary meeting, on 10 October 2005, the General Assembly elected the Congo, Ghana, Peru, Qatar and Slovakia as non-permanent members of the Security Council for a term of two years beginning on 1 January 2006.
2. Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that, with regard to the representation of the members of the Council elected for the period 2006-2007, he has received the communications referred to hereunder.

Congo: Credentials from the Minister of State and Minister for Foreign Affairs and the Francophonie of the Congo, signed on 13 December 2005, stating that Basile Ikouebe has been appointed representative of the Congo on the Security Council, Pascal Gayama, deputy representative, and Luc Joseph Okio, Justin Biabaroh-Iboro, Lazare Makayat-Safouesse, Chantal Itoua Apoyolo, Raphaël D. Maboundou, Annick Nzounza Lekaka, Emile Ange Mbou Mylondo and Boniface Lezona, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Ghana: Credentials from the Minister for Foreign Affairs of Ghana, signed on 9 December 2005, stating that Nana Effah-Apenteng has been appointed representative of Ghana on the Security Council, Leslie Kojo Christian, deputy representative, and Robert Tachie-Menson, Paul Yaw Essel, Albert Francis Yankey, Gloria Poku, Robert Afriyie and Divina Adjoa Seanedzu, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Peru: Credentials from the Minister for Foreign Affairs of Peru, signed on 28 November 2005, stating that Oswaldo de Rivero has been appointed representative of Peru on the Security Council, and Ricardo Morote, José Antonio Doig, Romy Tincopa Grados, Hugo Flores Morales, Rolando Ruiz Rosas Cateriano, Vitaliano Gallardo Valencia, María Arce de Gabay, Yella Zanelli, Carlos Obando and Claudia Alemán, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.



Qatar: Credentials from the First Deputy Prime Minister and Minister for Foreign Affairs of Qatar, signed on 27 November 2005, stating that Nassir Abdulaziz Al-Nasser has been appointed representative of Qatar on the Security Council, Jamal Nasser Al-Bader, deputy representative, and Mutlaq Majid Al-Qahtani, Abdulla Eid Al-Sulaiti, Jassim Ali Al-Obaidli, Tariq Ali Al-Ansari, Faisal Abdulla Al-Athba, Mishal Mohammed Al-Ansari, Sheikh Suhaim Hamad Al-Thani and Mohammed Sultan Al-Kuwari, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Slovakia: Credentials from the Minister for Foreign Affairs of Slovakia, signed on 10 November 2005, stating that Peter Burian has been appointed representative of Slovakia on the Security Council, Dušan Matulay and Michal Mlynár, deputy representatives, and Igor Bartho, alternate representative.

In the opinion of the Secretary-General, these credentials are in order.

**Security Council**

Distr.: General
23 December 2005

Original: English

Monthly report of the Secretary-General on Darfur**I. Introduction**

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005). The report reflects the situation on the ground as at 12 December 2005.

II. Insecurity in Darfur

2. While reports of violence in Darfur declined from October to November, the confirmed number of civilian deaths due to violence almost doubled, increasing from 70 in October to 120 in November. This lethal increase was caused by both politically motivated attacks and criminal banditry. In particular, two political developments significantly contributed to violence and insecurity during the reporting period.

3. First, an internal leadership struggle continued within the main armed movement in Darfur, the Sudanese Liberation Movement/Army (SLM/A). Shifting loyalties among some SLM/A field commanders created a leadership vacuum in certain areas of Darfur, leading to considerable speculation that the SLM/A split would spur inter-tribal clashes between the Fur and the Zaghawa, the respective tribes of the two rival SLM/A leaders, Abdul Wahid al-Nur and Minni Arko Minawi.

4. Second, a recent influx of military deserters from Chad into Western Darfur has further destabilized the complex security situation in the region. They join Chadian armed opposition groups based in Darfur who engage in a wide range of destructive activities, including cross-border smuggling, cattle-rustling and banditry.

5. In November, Southern Darfur had the highest number of reported incidents of violence, directed against both the local population and international organizations. There were also serious inter-tribal clashes in Southern Darfur between the Falata and the Massalit. Militia attacks on more than a dozen Massalit villages south-west of Gereida occurred from 6 to 17 November, resulting in an estimated 60 deaths, the highest figure recorded in the last year for a single incident. Huts were set on fire, fields and harvested crops were burned, and a total of 15,000 people were displaced. An attack of this scale, occurring over the course of more than one week in an area where the African Union Mission in Sudan (AMIS) is present, is a shocking indication of the Government's continuing failure to protect its own population, and



of the collective failure of the international community to prevent these horrendous crimes from occurring.

6. In Northern Darfur, the internal difficulties of SLM/A translated into an increasing number of inter-tribal incidents. For example, on 11 November, intra-SLA clashes broke out between the Zaghawa and Meidop tribes. On 13 November, confrontation between Zaghawa and Berti members of SLA resulted in the death of at least 15 people. During the same period, the level of banditry and other forms of criminal violence remained fairly low in Northern Darfur.

7. Western Darfur presented the most complex security environment of the three States. Splinters of various armed groups and significant numbers of infiltrators from Chad engaged in criminally and politically motivated violence. Security in the State deteriorated dramatically during the reporting period, with a direct negative impact on the local population, the safety of internally displaced persons, and the delivery of humanitarian assistance. Looting, break-ins, and bloody clashes between armed militias over the division of stolen goods were commonplace throughout November.

8. On 18 November, the Sudanese Armed Forces carried out operations in the Jebel Moon area, allegedly against Chadian deserters who had moved into the area. A week later, an assessment team from the United Nations Mission in Sudan (UNMIS) visited the area on a fact-finding mission. Following discussions with members of the community in the area, they confirmed that the Sudanese Armed Forces had not only attacked the area, but that helicopter gunships had been used in the operation. Eight people were reported wounded in the area, three of them seriously, including a 13-year-old boy. Furthermore, there was no sign of Chadian deserters as alleged by the Government. A group of Chadians who arrived in Jebel Moon on 29 October promptly left the area under pressure from the local population. The attack by the Sudanese Armed Forces on Jebel Moon was a violation of the humanitarian ceasefire of April 2004 and in contravention of Security Council resolution 1591 (2005); and the interruption of humanitarian activities as a result is inexcusable.

9. Patterns of insecurity in Darfur are dynamic and complex and have a tendency to spiral out of control. Several armed groups, reacting to power vacuums within the region, have begun behaving autonomously. Cattle-raiding and attacks against farmers are still a major element of banditry. The attacks continue although their perpetrators know that they will result in the deaths of many innocent women and children. There is also a clear increase in violent incidents aimed at acquiring logistical material and support. Thus ambush and seizure of vehicles and attacks on fuel tankers have increased dramatically, adversely affecting international organizations working in Darfur.

III. Human rights and protection

10. Civilians continue to pay an intolerably high price as a result of recurrent fighting by warring parties, the renewal of the "scorched earth" tactics by militia and massive military action by the Government. In November alone, up to 20,000 people were forced from their homes. Particularly worrying were the attacks on a high number of villages near Gereida (Southern Darfur), which reportedly involved militia and Government, as well as rebel forces, and resulted in 15,000 civilians,

mostly children and women, being displaced. Ongoing insecurity also continues to force tens of thousands of returnees and residential populations alike to seek refuge near towns and in existing or makeshift settlements of internally displaced persons. In agricultural areas, militias persist in deliberately destroying crops, thereby reducing the prospects for return and economic self-sufficiency.

11. Detentions, intimidation, harassment and looting by the authorities were reported on a daily basis in both Abu Shouk and Al-Salaam camps in Northern Darfur at the beginning of November. The establishment by AMIS of a permanent presence at Abu Shouk camp reduced the incidence of aggression in and around the camp. By contrast, militia attacks on other camps did occur, the most recent one involving the murder of two children (6 and 9 years old) in Fata Borno, Northern Darfur.

12. The incidence of sexual and gender-based violence in and around camps of internally displaced persons remained high throughout Darfur, with reports of assaults coming in on a daily basis. Incidents of kidnapping of village women also continued to be reported; in the Masteri and Geneina areas of Western Darfur up to 20 women went missing in November.

13. The Joint Implementation Mechanism subcommittee on human rights and protection met on three occasions to discuss, *inter alia*, concerns related to the elimination of violence against women in Darfur, the rules of application for criminal circular 2, relating to the collection of evidence in cases of sexual and gender-based violence, human rights violations in Western Darfur, and access to detention facilities. As reported previously (S/2005/592), on 10 October 2005, the Government approved an action plan to eliminate violence against women in Darfur. I urge the Government to expeditiously implement the action plan and to allow local non-governmental organizations to monitor and evaluate its implementation.

14. I also welcome the amendment to the criminal procedure, rules of application for criminal circular 2, signed by the Minister of Justice on 24 October 2005, which clarified the procedure for the collection of medical evidence and prohibits harassment of medical providers for treatment of victims of sexual violence. The Governor of Southern Darfur has also agreed to amend the procedures affecting victims of sexual and gender-based violence. The amendments will give rape survivors the right to receive medical treatment without completing a form (Form 8); prevent police from forcing their way into medical facilities to interview survivors; and stipulate that medical providers may not be harassed by Government authorities after treating victims of rape. This follows similar decisions taken by the authorities in Western Darfur in June 2005.

15. Despite these improvements in policy, the situation on the ground, with respect to violence against women, has not improved since my last report. The authorities still do not act with due diligence to prevent, investigate and prosecute acts of rape. It is now imperative that words on paper be translated into positive changes regarding women's security on the ground.

16. In Tama, following the brutal attack by militia late in October, a human rights fact-finding mission was sent to the area on 12 November. Preliminary conclusions confirm violations against civilians, including children, namely, arbitrary execution of civilians; cruel and inhumane treatment; looting of property and forced displacement. A death toll of 29 was also confirmed, based on the number of new

graves found. Until now, Government officials have not taken any measures to guarantee serious investigations into the killings.

17. During November, the Special Criminal Court on the Events in Darfur handed down two verdicts, bringing to six the number of verdicts it has issued since its establishment on 7 June 2005. To date, no high-level officials have been convicted and none of the crimes prosecuted related to the violence at the height of the conflict in 2003-2004.

18. On 16 November, the Special Court convicted two members of the Government's Military Intelligence, who held the rank of Private, for the murder of a man who died in the custody of Military Intelligence in Kutum, Northern Darfur, in March 2005. The men were sentenced to death, with the right to appeal. The Chief of police in Kutum was acquitted of murder and a fourth suspect escaped custody.

19. On 23 November, two additional Military Intelligence officers were sentenced in relation to the death in March 2005 of a 13-year-old boy who was in their custody. Despite the fact that the victim's family decided to grant the offenders a full pardon, the Court, exercising its discretion, sentenced the two men to two years' imprisonment for murder.

20. United Nations human rights officers continued to access detention facilities, including, for the first time, SLM/A facilities in the eastern Jebel Marra area. A second visit was conducted to the National Security detention facility in Southern Darfur. Three detainees interviewed at the facility reported being subject to various forms of physical abuse during transfer between military and security jurisdictions and while being questioned. These reports add to a disturbing pattern of mistreatment of detainees by National Security officers during interrogation. Torture is comprehensively prohibited by the Interim National Constitution and by international law. The Government must implement the necessary legal and institutional reforms to ensure that the National Security service is accountable and respects the rule of law.

IV. Humanitarian situation

21. The humanitarian agencies and non-governmental organizations in Darfur have had to respond to sizeable new displacements while struggling to maintain their massive operation in the face of high levels of insecurity. Inter-tribal fighting and attacks by militia and rebels alike on villages throughout Darfur have caused continuous displacements to camps and improvised settlements near major towns. I commend the humanitarian community for its swift reaction and coordinated response to provide relief to the affected populations.

22. Indications are that, as a result of energetic relief efforts, the overall humanitarian situation in Darfur is still under control, despite the dangerous levels of insecurity. In October, World Food Programme and the International Committee of the Red Cross managed to distribute a record 51,000 tons of food aid to nearly 3 million people, a massive achievement under very difficult conditions.

23. I am very concerned, however, about numerous reports of the deliberate destruction and burning of vast areas of cultivated land by militia and nomadic groups. The positive expectations of an 80 per cent increase in crop yields over

2004 may well be wiped out, thereby maliciously prolonging the humanitarian crisis in Darfur. I would also expect the authorities to prevent and halt these types of destructive actions.

24. For the past few months, secure humanitarian access to the affected populations has been extremely difficult, falling to 70 per cent, the lowest access levels since April 2004. Nevertheless, the humanitarian community is taking proactive steps to adapt to these challenges. In Geneina for example, two United Nations helicopters were brought in to transport personnel and deliver humanitarian assistance, alleviating security-related restrictions on road movements of humanitarian personnel and materials. Yet even these extraordinary measures have been vulnerable to the deteriorating security situation. In the face of new and credible threats, the humanitarian community was forced to suspend helicopter flights late in November. In addition to immediate security concerns which may limit the use of helicopters, their use may also prove to be prohibitively expensive in the long run.

25. Humanitarian operations are being impeded in other ways. Despite various pledges and promises made in the past, the authorities continue to resort to the arbitrary arrest and interrogation of Sudanese humanitarian staff. Similarly, SLA has not upheld its promises to ensure freedom of movement for humanitarian personnel. Moreover, it is regrettable that SLA and JEM members continue to impede and obstruct the activities of AMIS. I denounce in particular an incident on 15 November, when 120 SLA soldiers surrounded and entered the AMIS group site in Gereida, Southern Darfur, harassed personnel and detained an interpreter.

26. The Government's decision to seal off the Jebel Moon area in Western Darfur from the humanitarian community in order to conduct military operations, even if they were conducted against a legitimate target, is a violation of existing agreements concerning humanitarian access. In addition, threats made by the renegade member of the National Movement for Reform and Development (NMRD), Djibril Abdul Kareem Barey, to shoot down United Nations helicopters on humanitarian missions in the Jebel Moon area are wholly unacceptable. My Special Representative has, on many occasions, urged the parties to the conflict to safeguard humanitarian operations in Darfur, and to facilitate safe access for the aid workers to carry out their assistance to affected populations.

V. Darfur peace process

27. Following the adjournment of the sixth round of the inter-Sudanese peace talks on Darfur, one element of the SLM/A leadership, led by Minni Minawi, called a conference in Haskanita, a town in eastern Darfur. Although the conference, which began on 29 October, was well attended, including by several field commanders, the chairman of SLM/A, Abdul Wahid al-Nur, as well as the majority of his supporters, refused to participate. The conference in Haskanita culminated in the election of Minni Minawi as the new SLM/A chairman. This election was rejected by Abdul Wahid.

28. During the reporting period, a number of important initiatives were undertaken to repair the SLM/A rift and help to create a conducive environment for the seventh round of Abuja talks, which resumed on 29 November. The first was a meeting of senior officials from donor countries and the United Nations, convened by the

United Kingdom on 1 November in London. Among other things, the meeting discussed how to unite positions within SLM/A ahead of the talks, a number of proposals to end the violence in Darfur, and the post-Abuja period.

29. UNMIS also participated in a meeting held on 8 and 9 November in Nairobi, which was convened by the United States in a high-level effort to reconcile Abdul Wahid and Minni Minawi. Although Abdul Wahid attended the meeting, Minni Minawi did not, but sent a delegation to represent him. The two sides reaffirmed their commitments to the humanitarian ceasefire and to facilitating humanitarian relief efforts.

30. On 12 November, a meeting of Special Envoys convened by my Special Representative in Khartoum, attended by representatives from the African Union, the European Union, Canada, France, Germany, the Netherlands, Norway, the United Kingdom and the United States. The meeting discussed how to facilitate a more unified position within SLM before the talks began. The Envoys also addressed humanitarian and development issues which would need to be addressed after the conclusion of a peace agreement. A paper was presented by UNMIS to the Special Envoys, which focused on the post-Abuja process and discussed the characteristics that would be required of any peace agreement to make it credible and sustainable. These include the need for consistency between a framework for peace in Darfur and the broad framework of the Comprehensive Peace Agreement and the Constitution; respect for the constitutional arrangements already developed with respect to Southern Sudan and the transitional areas; consistency with the national commitment to make unity attractive; flexibility which would allow similar interim arrangements to be worked out in due course for eastern Sudan; measures to effectively enforce a permanent ceasefire; and a clear commitment to the binding nature of the outcome of the talks. Furthermore, the paper suggested that there had to be acknowledgement that other forces needed to become part of the final dispensation; and that there would be an end to transitional power-sharing following elections.

31. At the meeting, it was also recognized that it will be important for the international community to engage the parties on key post-conflict issues that need to be defined in the peace agreement. Some of these issues can also be addressed in more detail in the Darfur-Darfur dialogue, to be held after the conclusion of a final peace agreement on Darfur. This dialogue should also include a strategy for sustainable reconciliation among all communities in Darfur.

32. On 19 November, following the Envoys' meeting in Khartoum, United States Assistant Secretary of State for African Affairs, Jendayi Frazer, and the Head of AMIS, Ambassador Baba Gana Kingibe, jointly facilitated a meeting between Abdul Wahid and Minni Minawi to urge them again to participate constructively and with a united purpose in the seventh round of Abuja talks, notwithstanding the disagreements within the movement. Thereafter, another initiative was led by the Government of Chad, assisted by the Libyan Arab Jamahiriya, Eritrea and the African Union (AU) in N'Djamena on 25 and 26 November. Both Abdul Wahid and Minni Minawi agreed to present a common negotiating platform, to be coordinated with JEM.

33. During the reporting period, my Special Representative also had two bilateral meetings with Minni Minawi, where he underlined the international community's position that divisions within SLM must not detract from the overarching mission of

achieving peace and reconciliation in Darfur before the end of 2005. In addition to urging Minni Minawi to refrain from detaining dissenting commanders, he made clear that the United Nations cannot take a stance in an internal dispute of the movement and urged Minni Minawi to cooperate with Abdul Wahid to ensure that the signing of a peace agreement reached during the next round would result in the cessation of military activities by all.

34. On 29 November, the seventh round of the inter-Sudanese peace talks on Darfur opened in Abuja. All parties pledged to negotiate in good faith, and aimed to reach an agreement by the end of the year. Talks in the power-sharing commission were formally launched the following day, with discussions on wealth-sharing and security arrangements beginning.

35. While the parties have identified priority areas of concern in power-sharing discussions, there remains some distance between their positions, which the AU mediation is attempting to bridge through compromise solutions. It will also be essential for concrete discussions on security arrangements to proceed in earnest as part of overall efforts to stop the violence in Darfur.

VI. United Nations support to the African Union Mission in the Sudan

36. At the end of the reporting period, AMIS had a total of 6,848 personnel in Darfur, comprising 700 military observers, 1,211 civilian police, 47 international civilian staff, 11 Ceasefire Commission personnel and a protection force of 4,879 troops. UNMIS continued to liaise closely with AMIS, through regular contacts with the Khartoum-based Head of AMIS, AMIS personnel in Darfur, and through periodic meetings between the United Nations Assistance Cell and the AU Commission in Addis Ababa. The United Nations Assistance Cell also continued its assistance to the African Union in the areas of operational planning and management.

37. The AU Commission has initiated an assessment mission of AMIS, which began on 10 December and is expected to conclude by 20 December. The AU-led exercise includes the participation of all major partners of AMIS, including Canada, the United Kingdom, the United States, the European Union, and the United Nations. It will undertake an in-depth review of operations of the military and police components of AMIS in relation to the implementation of the Mission's mandate, and in the light of its findings make recommendations on the way forward.

VII. Observations

38. Over the past 18 months, the response of the Security Council to the crisis in Darfur has been consistent and forceful, starting with resolution 1556 (2004) of 30 July 2004, until the most recent presidential statement (S/PRST/2005/48), issued on 13 October 2005. The Council's requests have included the cessation of all violence and attacks, the disarmament and control of the Janjaweed militia, an end to impunity, and a call for a political solution. In March 2005, in its resolution 1591 (2005), the Council decided to impose targeted measures, and in its resolution 1593

(2005) decided to refer the situation in Darfur to the Prosecutor of the International Criminal Court.

39. Despite the breadth of these measures, adopted over an extended period, reports from the ground confirm the marked deterioration in the situation since September, including the proliferation of actors to the conflict, an increase in the number of inter-tribal clashes, the entry of destabilizing elements from Chad, and more instances of banditry. This is a deeply disturbing trend which has devastating effects on the civilian population. Large-scale attacks against civilians continue, women and girls are being raped by armed groups, yet more villages are being burned, and thousands more are being driven from their homes. As we approach the end of 2005, the second full year of conflict in Darfur, regrettably we have to acknowledge that the most urgent needs of millions affected by the war remain largely unmet, including their protection and safety. While countless lives have been saved thanks to a massive humanitarian relief effort led by the United Nations, those most exposed to violence and gross violations of human rights continue to live in fear and terror. This includes the large majority of internally displaced persons, as more camps for the displaced have been attacked in recent months, and violent armed groups are a constant threat in areas surrounding many camps. Even more exposed are those who have managed to remain in their villages.

40. I also note with deep regret that the assessment which was made in the first monthly report to the Security Council on Darfur, in August 2004, still applies: the vast majority of armed militia have not been disarmed, and no major steps have been taken by the Government to bring to justice or even identify any of the militia leaders or the perpetrators of attacks, contributing to a prevailing climate of impunity. I strongly urge the Government of the Sudan once again to take decisive steps to address these manifest failures. All atrocities committed in Darfur must be condemned in the strongest possible terms.

41. As the Security Council has stated repeatedly, ultimately only a political solution can bring an end to the violence and allow some 2 million internally displaced persons and refugees to return. This is why the current round of the Abuja talks is so critical and must be decisive, despite the serious difficulties encountered in the lead-up to the talks, as a result of the division within SLM. Further procrastination should not be accepted. The international community, including my Special Representative, has begun engaging the parties on key post-conflict issues that need to be defined in a peace agreement. However, a peace agreement can result in security and protection only if it becomes widely accepted among the various elements in Darfur, including those not present at the Abuja talks. Sustained dialogue among all parties and an inclusive and long-term reconciliation strategy, therefore will have to follow an agreement in Abuja. All Darfuri parties will have to demonstrate their political determination for genuine reconciliation.

42. All of these and other steps will have to go hand in hand with an enhanced international security presence, which should address adequately the deteriorating security situation on the ground. I am very pleased in this context that the African Union, whose effort remains commendable, has decided to lead a second assessment mission from 10 to 20 December with the participation of key partners, including a team from the United Nations. The mission's recommendations on the way forward will help inform the African Union, its partners and the Security Council as they consider the next steps on an urgent basis, including, in the case of the Security

Council, the implementation of its resolutions on Darfur. In the meantime, everything possible should be done to sustain and strengthen the AU Mission and to further enhance protection efforts throughout the region. In particular all parties to the conflict must cooperate with AMIS and those individuals who do not must be held to account.

43. I also appeal to the donor community to respond generously to massive humanitarian needs in Darfur, which were outlined in the 2006 workplan for Sudan, which was presented on 2 December 2005.